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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

PATENT INFRINGEMENT AND RACKETEER INFLUENCE & CORRUPT ORGANIZATION (RICO)

Dr. George Pieczenik, *Pro Se*

Plaintiff

v.

Abbott Laboratories, Abbott Laboratories, Inc.,  
Allergan USA, Inc., Amgen Inc., Amgen USA, Inc.,  
Antyra, Inc., Astellas Pharma US, Inc., Astrazeneca LP,  
Astrazeneca Pharmaceuticals LP, Aventis, Inc.,  
Aventis Pharmaceuticals Inc., Baxter Diagnostics Inc.  
Bayer Corporation, Bayer Cropscience (New Jersey) Inc.,  
Bayer Healthcare LLC, Bayer Healthcare Pharmaceuticals,  
Inc., Bayer Materials Science LLC, Bayer Pharma Chemicals  
Inc., Bayer Pharmaceuticals Corporation, Biogen Idec Inc.,  
Biogen Idec U.S. Corporation, Boehringer Ingelheim  
Vetmedica, Inc., Boehringer Ingelheimmoxane, Inc., Bracco  
Diagnostics, Inc., Canon, U.S.A. Inc., Centocor Ortho  
Biotech Products, L.P., Centocor Ortho Biotech Services,  
Centocor Ortho Biotech, Inc., Corning Incorporated, Daiichi  
Sankyo, Inc., Dainippon Sumitomo Pharma America  
Holdings, Inc. Dainippon Sumitomo Pharma America, Inc.,  
Diversa Chemical Technologies (NJ) Inc., Dyax Corporation,  
E.I. DuPont Denemours and Company, Forest Laboratories,  
Inc., GE Healthcare Biosciences Corp., GE Healthcare  
Biosciences Bioprocess Corp, GE Healthcare Inc., GE  
Healthcare Strategic Sourcing Corporation, Genzyme  
Corporation, Gilead Sciences, Inc., Glaxosmithkline LLC  
Howard Hughes Medical Institute, Idexx Reference  
Laboratories, Inc., International Business Machines Corp.,  
Invitrogen Corporation, John Does 1 through 61, Johnson &  
Johnson, Kyowa Hakko Kirin America, Inc., Kyowa Hakko  
Kirin Pharma, Inc., Medarex, Inc., Medimmune LLC,  
Millenium Pharmaceuticals, Inc., Mitsubishi Tanabe Pharma  
America, Inc., Mitsubishi Tanabe Pharma Development  
America, Inc., Mitsubishi Tanabe Pharma Holdings America,  
Inc., Monsanto Ag Products LLC, Monsanto Company  
Novartis Corporation, Novartis Pharmaceutical Corporation,  
Novartis Vaccines and Diagnostics, Inc., Novo Nordisk, Inc.,  
Onyx Pharmaceuticals, Inc., Ortho-McNeil Janssen Scientific  
Affairs, LLC, Ortho-McNeil Pharmaceutical, Inc., Ortho-  
McNeil, Inc., Osi Pharmaceuticals, Inc., PerkinElmer Health  
Sciences, Inc., Pharmacia & Upjohn Company LLC,  
Pharmacia Corporation, Qiagen Incorporated, Sanofi-Aventis  
U.S. Inc., Sanofi-Aventis U.S. LLC, Schering Berlin Inc.,  
Schering Corporation, Schering-Plough Biopharma, Schering-  
Plough International, Inc., Schering-Plough Products, Inc.  
Shionogi Pharma Sales, Inc., Shionogi Pharma, Inc.,  
Shionogi USA Holdings, Inc., Shionogi USA, Inc., Siemens  
Corporation, Siemens Diagnostics Finance Co. LLC,  
Siemens Healthcare Diagnostics Inc., Siemens Medical  
Solutions USA, Inc., Solvay Chemicals, Inc., Solvay

CIVIL ACTION NO:  
3:10-cv-02230-JAP-TJB

Motion for Recusal

**R E C E I V E D**

**FEB 23 2011**

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

Pharmaceuticals, Inc., Syngenta Crop Protection, Inc. )  
 Syngenta Seeds, Inc., Taiho Pharma U.S.A., Inc., )  
 The Dow Agrosiences LLC, The Dow Chemical )  
 Company (Delaware), The Dow Corning Corporation, )  
 Wyeth Holdings Corporation, Wyeth Pharmaceuticals Inc., )  
 Zymogenetics, Inc., Zymogenetics, LLC. )  
 Defendants

### MOTION FOR RECUSAL

Dr. George Pieczenik, Plaintiff, requests that your Honor be recused.

There are several reasons Plaintiff requests recusal as a solution to the following issues.

- 1) Conflict of Interest- In the SDNY, Judge Shira Scheindlin recused herself from Plaintiff's filing because of a conflict with having shares in one of the pharmaceutical companies being sued by Plaintiff. The question your Honor must ask is "Do I have shares in any of the public companies that are defendants in this case?" As your Honor pointed out, there are too many defendants in this case. However, their shares are part of many public employees' pension funds and, as well as, private stock and bond investments. Exhibit A-Scheindlin's Recusal
- 2) Favoritism towards counsel your Honor knows- The website, [www.therobingroom.com](http://www.therobingroom.com), review of your Honor's previous rulings, suggest strongly that your Honor favors counsel with whom you are familiar and with whom your Honor has had previously dealings. Your Honor appointed lead counsel in this case with little experience with this patent and its previous litigation. This appointment was above more experienced counsel, which Plaintiff suggested. Plaintiff's suggestion of those who have had a litigating history with this patent could allow for a legal definition of whether "having" is an "open" or "closed" term relative to combinatorial libraries claim construction. Having counsel with a previous history with this patent as lead counsel, even at Plaintiff's disadvantage, would have moved the litigation forward to a Markman hearing quickly. This favoritism was clear at this hearing. Opposing lead counsel was greeted by the Court like a long lost daughter. Exhibit B-The Robing Room
- 3) Your Honor failed to allow Plaintiff discovery and the right to subpoena the inventors with patents describing inventions which read on the '363 patent before making an *ipse dixit* judgment from the bench.
- 4) Your Honor has not requested a Markman hearing to determine the allotment of counts in the claim construction. Markman v. Westview Instruments, Inc., 517 U.S. 370 (1996), Inc. before making an *ipse dixit* ruling. Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005),
- 5) There is a hidden agenda in your Honor replacing Judge Freda Wolfson in the middle of the case. This replacement was even after many briefs and filings by many defendants and many replies by Plaintiff. Your Honor does not seem to be aware or have not read these previous papers and settlements. You missed the Roche settlement, altogether. Plaintiff's Amended Complaint included all the previous filings by reference.

I believe that Chief Justice Garrett E. Brown of the Trenton Court must have been involved in switching Judges on these four cases. Both your Honor and his Honor are graduates of Lafayette College. Chief Justice Brown graduated in 1965, and your Honor graduated six years later. Exhibit C-The Lancet has as a co-author of Plaintiff as a member of Skull and Bones, of which Court of Appeals for the Federal Circuit, Judge Raymond C. Clevenger III is a member of Bones and will have to recuse himself, also, when this case moves into his court.

This Judge switch in the Trenton District Court occurred when Plaintiff filed specific charges against Bayer and their counsel Tweed, Milbank, Hadley and with particularity McCoy. In Judge Shira Scheindlin's court in the SDNY, I was able to bring in Merck, Ag, and a german company with experimental history in Auschwitz, using methylene blue to change eye color, under the RICO laws. This was at a time when I was not aware that germany had not signed a peace treaty. I had evidence that Merck, Ag on its own had been a criminal organization, for crimes which do not have a statute of limitation. Now, it is not improbable that representatives of Tweed, Milbank, Hadley and McCloy called Chief Justice Garette Brown and suggested that this case be removed from the "child of Holocaust survivors" Judge Freda Wolfson (Exhibit D-Judge

Freda L. Wolfson) and be given to your Honor so as not to "prejudice" Bayer's case and Tweed, Milbank, Hadley and McCloy representation of same. If this is the case, then this whole case should be moved to the Newark Court or returned to Judge Freda L. Wolfson. I have been in the Newark Court and have had fair rulings.

During my research on John McCloy, it was clear that he covered and protected Klaus Barbie. Klaus Barbie was McCloy's agent when McCloy was Allied Commissioner. (Exhibit E- McCloy's Cover of Klaus Barbie) After WWII hostilities ceased, Klaus Barbie was financially supported by Heinrich Himmler's daughter, Gudrun Burwitz and the post war nazi organization called "Stille Hilfe". Stille Hilfe "It has helped some of the Third Reich's most prominent officers, including Gestapo chief Klaus Barbie - "the Butcher of Lyons" - and Erich Priebke, the slaughterer of Italian civilians and partisans." ". (Exhibit F- Himmler's Daughter Stille Hilfe, Exhibit G- Erich Priebkes Liquidation of Italian Partisans)

Stille Hilfe is a well funded organization with stolen and hidden assets which clearly worked with John J. McCloy and his law firm after the war. Because of their representing a continuing nazi fifth column, Tweed, Milbank, Hadley and McCloy should be disbanded as a law firm and its historical records turned over to the Library of Congress for future examination.

- 6) In reference to Plaintiff's argument that it is the lawyer and not the firm who is admitted Pro Hac Vice, there is prior case in Judge Shira Scheindlin's Court in the SDNY of Stephen Rabinowitz, MD, PhD, Esq., a previous counsel in a previous case, as well as, in this case, who was part of the Pennie & Edmund law firm. This law firm collapsed because of conflicts during the litigation over a biotech patent. Counsel Rabinowitz moved to another firm and stayed in the case Pro Hac Vice, without having to bring in his new firm. Therefore, there is precedent, as well as law, that it is the counsel not the law firm which appears Pro Hac Vice. Therefore, there is no legal reason not to remove Tweed, Milbank, Hadley and McCloy.
- 7) Prejudice against Pro Se litigant. That is understandable, but improper. It misunderstands Plaintiff's situation as once having had counsel, in a previous litigation, who is now in jail for a 600 million dollar scam, (Dreier) and, whereupon, Plaintiff had to step in to that case and derivative cases without access to all the papers previously filed.
- 8) Prejudice against Jewish litigant. In that case, discrimination in the law is now a question of "Impact" and not just "Intent". It is how discrimination is perceived not just how it is intended. I perceive that the McCloy law firm influenced the replacement of Judge Freda L. Wolfson because Her Honor is Jewish, with a family history of nazi abuse, with a non-Jewish Judge, without such a history. This is clearly discriminatory at a structural level, which is much more serious than personal prejudice.
- 9) Prejudice against scientists acting as lawyers. Johannes Kepler had to defend his mother, Katherina, from charges of being a witch by the Catholic church. She was an herbalist. The case took eleven years. Kepler prevailed and his mother was exonerated of being a witch. During that time he was still able to come up with Kepler's laws of Planetary Motion. Then there is Galileo's trial before Pope Urban the VIII. During that time he was still able to come up with the Laws of Gravity.
- 10) Prejudice against inventors having to litigate their patents. Unfortunately, this is the American legal system in relationship to patents. If this were a copyright, then the FBI would have arrested all the defendant companies and their CEOs. In this country, perhaps not in Louisiana, the patent holder has to enforce the patent, otherwise, a doctrine of "latches" can be invoked. Your Honor's calling me "Mr." rather than "Dr." is indicative of a lack of respect for the years of training to be able to create an invention which saves lives. I always have addressed you as Your Honor Judge Pisano and not as "Mr." Pisano.  
The case is also titled Dr. George Pieczenik vs. Bayer, et al., not Mr. George Pieczenik v Bayer, et.al.  
Having filed an Amicus Brief in the Supreme Court and having passed the Patent Bar, I have a respect for the legal community and its Judges, even though I feel that the adversarial system is inappropriate for patent cases.
- 11) Your Honor failed to understand that I requested the opportunity to meet and present my research to the scientists in the companies which infringe. This work is the next step in the development of biologics. I am the only one in the world who can make a specific targeting ligand for any individual with cancer. I can do this within a fortnight. This is the only cancer treatment which

exists that is specific to that individual patient's cancer. During the course of my litigations, I have, also, been able to come up with a treatment for cancer. I can offer that treatment to anyone who requests it politely, opposing counsel included.

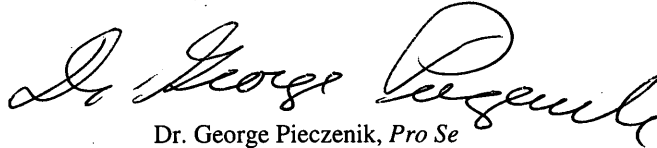
- 12) I am also the one who suggested monoclonal antibodies to Cesar Milstein during my years at the MRC lab in Cambridge England. That is now the basis for all biologics. I am also the only one in the history of science who published with three Nobel laureates (Exhibit H-Time Magazine Article) and worked with at least 5 more. Your Honor shows a great contempt for science and the science represented in this invention. To Plaintiff this appears to be just ignorance and prejudice.
- 13) Your Honor brought in a previous case in which I was a Plaintiff and against several John Does. These John Does who were hunters, mob figures and policemen from Philadelphia. (Exhibit I-The Manilla Indictment). They were endangering both individuals and wild-life in Hunterdon County and shot bullets into our house. One hunter told me and actually video recorded the statement that "a wife of one of the hunters worked in your Court." And she told him the case I filed was a "real case". That video was shown to State Police Officer Costanza, Route 12, Hunterdon, who then harassed my wife, threatening her with trouble if this issue against these hunters was to be pursued. However, your Honor seemed overly concerned about my filing a RICO charge and misunderstood that it wasn't against the mob- hunters and corrupt police, but against deutsche bank for allowing this hunting in a residential area in order to depress real estate property so that they could purchase foreclosed properties for a 100 dollars knowing deutsche bank was subsidized by the American taxpayer to the tune of 60-90 billion dollars (Exhibit J- deutsche bank hundred dollar scam). FBI polygraphs of the Court's personnel would uncover the relationships of those working in the Court and these "hunters". At the same time, they can polygraph opposing counsel to find out who hacked the Rutgers' server and downloaded copyright lectures. This case can always be resurrected at anytime; in that I have given the Dept of Interior the requisite 60 day notice and the Department of Fish & Wildlife have been completely unresponsive and negligent. During my many years at Rutgers, I have worked with the "mob heads" to create a cap on tuition and have recommended many children of "mob families" to medical school and law school. The prejudice against both Jewish and Italian children for admission to medical school is common knowledge. Read Arthur Kornberg's, Nobel Laureate and Father of a Nobel Laureate on Dean Whipple's anti-Semitic and anti-Italian prejudices (Dean Whipple was also a Nobel laureate and graduate of Andover). Exhibit K- Kornberg, Nobel, Father of Nobel on Whipple, Nobel, Andover).
- 14) Your Honor brought in a ruling by Magistrate Judge Eaton in a case where I sued the TIAA-Cref pension fund for improper subprime mortgage investments. They risked the Rutgers' faculty's pension. This case was prophetic and Judge Eaton was not re-appointed as a consequence of missing this issue *inter alia*. Your Honor's citing Judge Eaton, re-iterating opposing counsel's *ad hominem* papers, failed to note that the case was not a patent case, nor relevant to this case.
- 15) If your Honor decides not to recuse himself, and Chief Justice Brown does not see fit to transfer this case back to Judge Freda Wolfson or to Newark, then I request that I be allowed to subpoena the inventors behind each patent mentioned in my Amended Complaint, in which they describe peptides and peptide-antibody pairs which infringe several claims in the '363. In addition, I request that you order a Markman hearing to define claim construction. I request that your Honor invoke Rule 706 and bring scientists and/or lawyers which have already settled with Plaintiff to assist your bench for advice and consent. This is the norm in patent cases on the Queen's Bench in England. It is not an unreasonable request. Scott v. Spanjer Bros., Inc., 298 F.2d 928 (2d Cir. 1962); Danville Tobacco Assn. v. Bryant-Buckner Associates, Inc., 333 F.2d 202 (4th Cir. 1964); Sink, "The Unused Power of a Federal Judge to Call His Own Expert Witnesses", 29 S.Cal.L.Rev. 195 (1956);
- 16) If you Honor will take notice, that the British Government settled with Plaintiff Pieczenik. They acknowledged the priority of the '363 patent and the importance of these pioneering combinatorial patents on their British government laboratory web site. (Exhibit G-MRCcitingPieczenik). Plaintiff sued the Queen. The Queen settled reasonably.
- 17) This is the same type of acknowledgement I have requested of Bayer. Bayer must put the inventor of "aspirin™", **Arthur Eichengrün**, back on Bayer's memorial web site. Exhibit M-BritishMedicalJournal-HistoryofInventionofAspirin). They had previously aryanized and removed

him during Bayer's collaboration with the nazi regime. Let us not allow this court to be "aryanized" simply on the pleadings of Tweed, Milbank, Hadley and McCloy.

- 18) I have given your Honor the authority and jurisdiction over germany and all german companies. You are now the first "Uberjudge". Germany has never signed a peace treaty with the Allies. It is still at war. It is still a criminal organization. See "Final Report to the Secretary of the Army on the Nuremberg War Crimes Trials Under Control Council Law No. 10", Telford Taylor, et al and "War Crimes of Deutsche Bank and the Dresdner Bank, Office of Military Government (U.S.) Reports - Edited and with an Introduction by Christopher Simpson, Holmes&Meier, New York/London 2002)."
- 19) You can order Bayer to put **Arthur Eichengrün** back on its web site. When this order is issued, I would, with pleasure, withdraw this Motion for Recusal.

Respectfully submitted,


Dated: February, 23, 2011



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I, hereby, certify that an email copy of the above motion was sent February 23, 2011 to the following with a hard copy sent by first class mail to lead counsel Liza Walsh, at

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